

15.6 LIFETIME LIMIT FOR RECEIPT OF CASH ASSISTANCE (TANF, WV WORKS)

A. SIXTY-MONTH TIME LIMIT

NOTE: For cases that were active cash assistance recipients in 1/97, the first month of the lifetime limit is 1/97.

There is a lifetime limit of 60 months that a family may receive cash assistance under TANF and/or WV WORKS. The presence of even one AG member who has received TANF and/or WV WORKS, as an adult or an emancipated minor, renders the entire AG ineligible. The amount of the payment received has no bearing on the time limit, so that a payment of \$1 counts as one month toward the 60-month limit.

EXCEPTION: Any month during which the adult lived on an Indian reservation or in an Alaskan Native village is not counted toward the 60-month limit if:

- At least 1,000 individuals were living on the reservation or in the village; and
- At least 50% of the adults living there were unemployed.

B. BENEFITS WHICH COUNT TOWARD THE LIMIT

Receipt of any of the following benefits counts as 1 month toward the 60-month limit when an adult or emancipated minor is included in the AG. When 2 or more of the benefits are received for the same calendar month, only 1 month is counted toward the limit.

- TANF check from WV or from any state that used TANF block grant money for the payment. See Appendix C of Chapter 1 for a list of states and when they converted to TANF.
- WV WORKS check

EXCEPTION: When a TANF or WV WORKS check was received ineligibly, and is repaid in full, that month does not count toward the 60-month limit.

The limit is not 60 months for each state of residence. The time limit applies to all benefits received, throughout the United States and its territories, as long as the benefits were received under the TANF Block Grant. Therefore, when a client indicates he has been a resident of another state, the Worker must determine if he received cash assistance and, if so, if the program was funded under the Block Grant authorized by PRWORA. See Section 15.1 for a detailed explanation of the welfare reform legislation and its impact on cash assistance programs. States had until July, 1997 to convert from the former AFDC/U Program to a program funded under the Block Grant. Many states converted to the new program early. Therefore, the Worker must determine when the benefits from another state were received. If months prior to 7/97 are involved, the Worker must also determine how many months of benefits the client received under the Block Grant program. See Appendix C to Chapter 1 for a list of states and their effective dates of conversion to TANF.

C. PROVISIONS FOR AN EXTENSION OF THE TIME LIMIT

There are provisions which may allow a family to receive benefits for more than 60 months. There is a limit imposed by the federal government on the percentage of the caseload that is allowed to be exempt from the 60-month requirement.

The limit is 20% of the average monthly number of WV WORKS AG's, minus only the average monthly number of child-only AG's. This number is only valid on a statewide basis. Therefore, the percentage of extensions from county to county may vary greatly.

THE WORKER MUST NOT INFORM THE CLIENT THAT HE IS, OR MAY BE, EXEMPT FROM THE TIME LIMIT DURING THE 60-MONTH ELIGIBILITY PERIOD, UNLESS WRITTEN NOTICE OF APPROVAL HAS ALREADY BEEN RECEIVED FROM THE OFS EXTENSION COMMITTEE

Once an extension is approved, the client must meet the criteria on which the extension was based each month of the extension period.

A temporary extension may be given only once for the adults and emancipated minors in the AG at the time the extension is approved. There is a maximum temporary extension period of up to 6 months.

Once an AG is closed due to receipt of TANF benefits for 60 months, every application that includes an individual who received benefits as an adult or emancipated minor,

is denied. No extensions are approved after AG closure for this reason.

The presence of any adult or emancipated minor who meets at least one of the following criteria is eligible to be considered for an extension of the 60-month time limit. The possible extensions are listed in priority order.

NOTE: All extensions are temporary. Unless specified below, an extension may only be approved for up to 6 months and may be approved only once. Even if the situation of another adult, or emancipated minor in the same AG, was responsible for approval of an extension, any other adult, or emancipated minor who received the benefit of the extension, is considered to have received the one-time-only extension.

1. Battered Or Subjected To Extreme Cruelty

For extension purposes these conditions are defined as follows.

- S Physical acts that result in, or threaten to result in, physical injury; or
- S Sexual abuse; or
- S Sexual activity involving a dependent child; or
- S Being the caretaker of a dependent child and being forced to engage in non-consensual sex acts; or
- S Threats of, or attempts at, physical or sexual abuse; or
- S Mental abuse; or
- S Neglect or deprivation of medical care.

The individual who meets the definition must accept a referral to a domestic violence program that operates under a State license or through an agreement with DHHR. In addition, the client must participate in and follow any plans developed with the program.

The extension remains in effect until the domestic violence program staff determines that the situation is resolved, up to a maximum time of 6 months.

2. Providing Care For A Relative

For extension purposes all of the following conditions must be met.

- S** The care giver would normally be required to meet a work requirement; and
- S** Is needed in the home to care for a child, spouse, parent or grandparent; and
- S** The person who needs the care is physically or mentally disabled, as determined by medical evidence, to the extent that he would require institutionalization if not for the care being provided; and
- S** Such care will not be necessary for more than 6 months, or the family has made other care arrangements that will be completed within 6 months, or the family is attempting to make other care arrangements.

The extension remains in effect for up to 6 months.

3. Inappropriate Case Management

When there is evidence that DHHR did not provide the client with appropriate or meaningful guidance and/or support in achieving self-sufficiency, an extension may be approved. Support is used here to mean all financial or other services that are available to assist the client in overcoming barriers to self-sufficiency. This support includes, but is not limited to: support services, Food Stamps, Medicaid, frequent contact, discussion of issues related to self-sufficiency, referral to work/training opportunities, identification of barriers to self-sufficiency, appropriate referral to State-funded programs, etc.

During the extension period, the local office must intensify efforts on behalf of the client and ensure that appropriate case management services and support are provided.

This extension remains in effect up to 6 months.

4. Disabled

Disabled is defined as unable to engage in gainful employment, as determined by a medically qualified professional. It applies when there is only 1 parent, or 1 non-parent caretaker in the household. If there are 2 parents, or 2 non-parent caretakers, both must be incapacitated to qualify for consideration for this extension due to disability.

It is assumed that an individual who states he is disabled will already have medically established his disability by the 55th month of TANF receipt. If not, he must apply for SSI and be referred to MRT prior to approval of an extension. An SSI denial based on no disability does not automatically preclude an extension on this basis if MRT finds him to be disabled. The SSI disability criteria will always meet the standard for consideration of an extension due to disability because the SSI standard is higher. However, MRT can also determine if the above definition of disability, which applies only for purposes of an extension, is met.

If it is determined that the individual is not disabled, or is able to engage in gainful employment with no limitations, he does not qualify for consideration of an extension.

If it is determined that the individual is able to engage in gainful employment with some limitations, he qualifies for consideration for an extension of up to 6 months to locate suitable employment. Disability status may be reviewed as required by MRT during the extension period.

If it is determined that the individual is permanently unable to engage in gainful employment, he qualifies for consideration for an extension of up to 6 months to apply for, or appeal prior denials of, statutory benefits. Statutory benefits include, but are not limited to, RSDI, SSI, VA, Railroad Retirement.

5. Pregnancy/Age of Child

This extension may be considered when both of the following conditions are met.

S There is only 1 adult or emancipated minor in the household; and

EXAMPLE: A pregnant woman with one other child also cares for her nephew, age 17. She qualifies for consideration under this extension criteria.

EXAMPLE: A pregnant woman with two other children lives with her boyfriend who is not the legal father of any of the children. She does not qualify for consideration under this extension criteria.

EXAMPLE: A woman with a newborn child lives with her other children and her mother. She does not qualify for consideration under this extension criteria.

S The pregnant woman will be in her last trimester of pregnancy in the 60th month of TANF receipt;

or

has a child who will be less than 6 months of age in the 60th month of TANF receipt.

When based on a verified pregnancy, the extension remains in effect for up to 6 months. When the pregnancy does not end in a live birth, the extension, if already approved, remains in effect for 2 months following the end of the pregnancy.

When based on age of a child, the extension remains in effect until the child is 6 months old.

6. In A Vocational Training/Educational Activity

The extension is based on maintaining satisfactory progress toward course completion in a vocational training or educational activity. Satisfactory progress is defined by the facility or course of study.

To qualify for consideration of this extension, one of the following situations must exist:

S In his 55th month of TANF receipt, the client is attending a vocational training or an

educational activity that is expected to end in 6 - 11 months; or

S In his 55th month of TANF receipt, the client is enrolled to begin vocational training or an educational activity that is expected to end in 6 - 11 months, regardless of the begin date.

Vocational training is preparation for a specific occupation. The training is conducted by an instructor in a non-work site or classroom setting.

Educational activities are limited to literacy programs, high school, ABE and 2- and 4-year college programs.

The extension remains in effect for up to 6 months.

7. No Child Care

This extension applies only to AG's with 1 adult, or emancipated minor, in the home.

EXAMPLE: A pregnant woman with one other child also cares for her nephew, age 17. The local Resource and Referral agency has determined that no child care is available. She qualifies for consideration under this extension criteria.

EXAMPLE: A pregnant woman with two other children lives with her boyfriend who is not the legal father of any of the children. She does not qualify for consideration under this extension criteria.

EXAMPLE: A woman with a newborn child lives with her other children and her mother. She does not qualify for consideration under this extension criteria.

When there is no child care available, as determined by a Resource and Referral agency operating under a DHHR contract, an extension may be considered.

The extension remains in effect for up to 6 months to arrange for child care.

8. High Unemployment Rate

AG's in counties with unemployment rates at least 50% greater than the State average may be considered for an extension.

This extension remains in effect for up to 6 months to permit the families to relocate.

Counties whose residents qualify are: Barbour, Braxton, Calhoun, Clay, Fayette, Ritchie, Greenbrier, Lincoln, Mason, Roane, Wetzell, Wirt.

9. Unemployable

An extension may be approved when the parent, or other caretaker, is chronically unemployable. When there are 2 parents, or 2 other caretakers, both must be chronically unemployable to qualify for consideration under this exemption. Chronically unemployable is determined by meeting one or more of the following conditions:

- S The client has complied with all work requirements on his PRC and has participated in all activities to which he was assigned, but cannot obtain or maintain employment, even though he is continuing to look; or
- S The client has less than an 8th grade functioning educational level as determined by ABLE, CASA, or TABE testing and is actively seeking an alternative way to support himself; or
- S The client has severe learning disabilities as determined through psychological and/or educational diagnostic testing by certified test administrators; or
- S The client has more than 1 DUI conviction and is currently enrolled in a treatment program. He must also be seeking employment, when able to do; or
- S The client is a chronic substance abuser who is currently participating in a treatment program and, if able, is seeking employment.

D. EXTENSION PROCEDURE

The process for determining if an extension may be applied begins in the 55th month of the 60-month lifetime limit when the client is mailed a special notification letter from OFS about the end of his 60-month time limit. The notice is to be returned to OFS for consideration of an extension of the time limit. However, if the form is returned to any local office, the local office must forward it immediately to the OFS Policy Unit. If the Worker or Supervisor becomes aware of a client who did not apply for an extension but who may be eligible for

one, he must notify OFS immediately by GroupWise for consideration of an extension.

Once the forms are received in OFS, they are logged in and tracked to make sure information is obtained and a timely decision is made. The client's District Office is notified to provide information and a recommendation to the OFS Extension Committee for a final decision. All such extensions are approved at the State Office level by the OFS Extension Committee.

If the client does not indicate he wants to be considered for an extension and the Worker and/or Supervisor do not recommend an extension for him, the family is ineligible after receipt of the benefit for the 60th TANF month. Advance notice requirements apply, but benefits must not be continued pending the Fair Hearing decision.

If an extension is approved, the local office is notified by the Committee of the length of the extension period. The local office is responsible for monitoring the time limit to assure it is not exceeded.

If an extension is denied, the local office is notified by the Committee and provided an appropriate statement for the local office to use in the denial notice. The client may request a Hearing, but if benefits have already been stopped they must not be continued pending the Fair Hearing decision.

The decision of the OFS Extension Committee to approve or deny an extension is final and cannot be overturned by a Fair Hearing decision, except when the decision was based on inaccurate information.

Reconsideration of a denied extension is possible only when there has been a verifiable and verified change in circumstances between the denial of the extension and the end of the 60th month. The Supervisor is responsible for deciding if a change that would justify reconsideration has actually occurred. If the request for reconsideration is denied by the Supervisor, the decision and the reason must be recorded and the client notified in writing. A Fair Hearing may be offered, but benefits must not be continued if the process extends beyond the 60th month. The Hearings Officer has the authority to overturn the denial of the request for reconsideration, but has no authority to approve an extension period. When such a change has occurred and been verified, the Supervisor must notify the Committee over GroupWise that

a reconsideration is being submitted and immediately fax all of the following to OFS:

- S The original information that was submitted and resulted in denial of the extension
- S Verification of the change in circumstances
- S The Supervisor's statement of the nature of the change and recommendation to the Committee
- S A copy of the original extension denial notice

Submission of a request for reconsideration late in the 60-month time limit does not result in an automatic extension. No extension is applied unless the Committee approves an extension prior to case closure at the end of the 60th month.

The Committee follows the same procedure for a reconsideration of an extension as for an original request.